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November 17, 2003

Marlene H. Dortch
Secretary
Federal Communications Commission
Washington, D.C. 20554

Re: Notice of *ex parte* presentation in WT Docket No. 03-66

Dear Ms. Dortch:

The following is a revision to the *ex parte* notice filed by this office on November 13, 2003:

On November 12, 2003, Dr. Phyllis Schiffer-Simon, Director of the Broward Education Communications Network (BECON), Mr. Marty Rubinstein, School Board member of the School Board of Broward County, Florida, Mr. Andy Furlong, BECON Broadcast Engineer, Mr. Scott Ritchie, and the undersigned, met with John Schauble and Genevieve Augustin of the Commission's staff, and, separately, with Paul Margie, legal advisor to Commissioner Copps, Commissioner Martin, Commissioner Adelstein and Commissioner Abernathy.

The school representatives discussed Broward County Public Schools' ("BCPS") use of ITFS spectrum in classroom instruction in the school system. BCPS is the nation's fifth largest school district and largest fully accredited district. BCPS has been an ITFS licensee since 1967 and currently transmits analog video educational programming on each of its 8 licensed channels from 8 a.m. to 11 p.m., daily. BECON is the instructional technology and communications arm of BCPS, and is equipped with a full production studio for the creation of original instructional and community programming. BCPS has never leased any of its ITFS capacity to others because it has always maximized the use of its frequencies. BECON's instructional programming is used for classroom instruction by BCPS in over 225 schools as well as throughout the state of Florida and in other school districts throughout the country that license programming from BECON. BECON's Distance Learning model provides for instruction, in any subject taught by BCPS, for each and every school. This allows all students to benefit from instruction in subjects, such as languages and advanced mathematics, for which instructors are not available at each school.

Students enrolled in BCPS speak some 57 languages, the most common being English, Spanish, Creole, and Portuguese. For that reason, BECON produces instructional programming in

other languages spoken by its students and community. BECON's funding is provided almost entirely by the School Board, and is currently approximately \$4 million per year. Since the inception of its ITFS licenses, it is estimated that the School Board has spent over one hundred million dollars on building out its distribution system. Every school and administrative building is equipped with an ITFS receive antenna.

BCPS is a member of the National ITFS Association, and generally supports its comments in the proposed rule making. In addition, BECON urges the Commission to consider the needs of ITFS licensees that, like BECON, fully utilize their ITFS channels for instructional purposes. BECON has already tested the distribution of ITFS programming in the digital environment, including two-way interactive video conferencing, video on demand, IP telephony, and high-speed Internet access.

BECON's planned digital use of its ITFS channels will be enhanced if BECON's ITFS channels are contiguous. BECON intends to communicate via ITFS at data rates of 10 to 155 MB/s. Discontiguous channel allocations, which may be suitable for low bandwidth mobile applications, are less useful for BECON's communication needs. The Commission can assist in BECON's digital transition by allowing ITFS licensees the option to retain contiguous channel spectrum.

BECON is also concerned, if ITFS spectrum is freely transferable and is not principally reserved for instructional purposes, that communications equipment manufacturers will become less likely to provide suitable equipment. Without a sufficient demand from school systems, equipment will become prohibitively expensive or simply unavailable. (This is the converse of an issue that presents itself in the transition to digital television: the price of digital television receivers, now high, with relatively few units sold, is expected to fall when demand increases.)

BCPS is currently designing school facilities to be constructed ten or more years in the future. Extensive use of technology including ITFS programming distributed digitally on demand will be incorporated into those designs.

In accordance with Section 1.1206(b), 47 C.F.R. § 1206(b), this letter is filed with your office today.

Respectfully submitted,

Paul H. Brown
Counsel to
The School Board of Broward County, Florida